

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2016

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.4137 of 2013

and

Crl.M.P.Nos.1 of 2013, 6562 of 2016

1.Bhavani

2.A.Vijayalakshmi

... Petitioners

Vs.

S.Revathy

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C to call for the records in M.C.No.07 of 2012 on the file of the XVI M.M., G.T., Chennai and quash the same.

For Petitioners : Mr.K.G.Senthil Kumar

For Respondent : Mr.G.K.R.Pandian

O R D E R

The Criminal Original Petition has been filed seeking to call for the records in M.C.No.07 of 2012 on the file of the learned XVI Metropolitan Magistrate, George Town, Chennai and quash the same.

2. Heard the learned counsel for the petitioners and the learned counsel for the respondent.

3. On 02.03.2008, Revathy got married to Sundar and they have one female child Mohitha, through their wedded life. Their marriage ran into rough weather resulting in Revathy initiating proceedings in M.C.No.7 of 2012 before the XVI Metropolitan Magistrate Court, George Town, Chennai, against Sundar and 7 others under the Domestic Violence Act, challenging which, Bhavani [R7] and A.Vijayalakshmi [R8] are before this Court.

4. When this matter came up for admission on 09.09.2014, this Court had granted stay.

5. The learned counsel for the petitioners submitted that Vijayalakshmi, the second petitioner herein, is the daughter of Bhavani, the first petitioner herein and they have nothing

to do with Sundar's family inasmuch as, they are residing in Ambattur, Chennai, whereas, Sundar is residing in Royapuram. The allegations against Bhavani and Vijayalakshmi in the petition filed by Revathi are that they are the concubines of Sundar. These allegations are strongly refuted by Mr.K.G.Senthil Kumar, the learned counsel for petitioners Bhavani and Vijayalakshmi.

6. On a reading of the petition, this Court does not find incriminating materials as against Bhavani & Vijayalakshmi and this Court was contemplating to quash the proceedings against them alone.

7. However, Mr.G.K.R.Pandian, learned counsel for Revathi, brought to the notice of this Court that all the respondents in M.C.No.7 of 2012, filed a petition in M.P.No.131 of 2014 under Section 203 Cr.P.C., before the XVI Metropolitan Magistrate Court, George Town, for dismissal of the complaint and the said petition was dismissed by the Trial Court on 18.06.2014. After the dismissal of the petition, all the 8 of them, including Bhavani and Vijayalakshmi, filed Crl.A.No.172 of 2014 before the Sessions Court, Chennai and the II Additional Sessions Judge, Chennai, by a well-considered order, dismissed Criminal Appeal No.172 of 2014 on 09.03.2016, holding that there is no infirmity in the order passed by the Trial Court.

8. Mr.G.K.R.Pandian, learned counsel for Revathi submitted that the Bhavani and Vijayalakshmi after having obtained stay from this Court, have completely suppressed this fact before the Trial Court and Sessions Court and have filed an application for discharging themselves from the case, which came to be dismissed, as stated above.

9. In view of the above, this Court perused the order dated 09.03.2016 in Crl.A.No.172 of 2014 passed by the II Additional Sessions Judge, Chennai, wherein, Bhavani and Vijayalakshmi are shown as appellants 7 and 8. In all fairness, they should have brought to the notice of the Appellate Court about the stay that was granted by this Court. Instead, they have proceeded to agitate the matter without apprising the Courts below.

10. On this short ground alone, this Criminal Original Petition is dismissed with liberty to the petitioners to raise all the points before the Trial Court. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar(CS VI)

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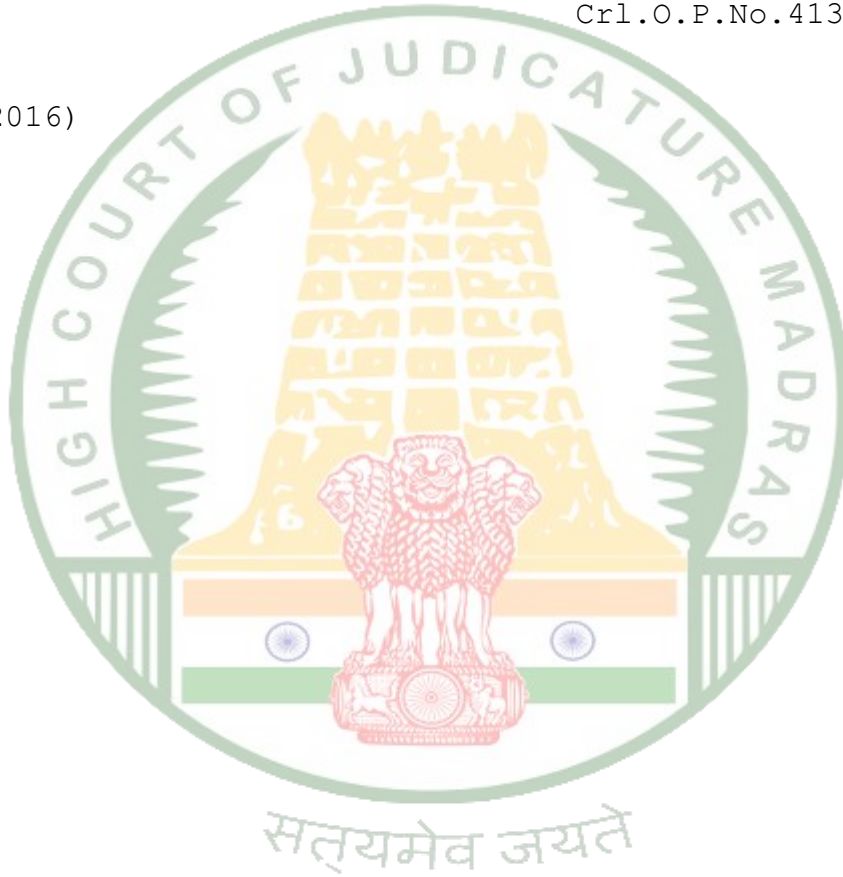
The XVI Metropolitan Magistrate,
George Town, Chennai.

+lcc to Mr.K.G.Senthil Kumar, Advocate, S.R.No.71223

+lcc to Mr.G.K.R.Pandian, Advocate, S.R.No.71131

Cr1.O.P.No.4137 of 2013

LRS (CO)
CA(23/12/2016)



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